

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER LISOWSKI, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HENRY THAYER COMPANY, INC.

Defendant.

CASE NO.: 2:19-CV-1339

Hon. Marilyn J. Horan

PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY

In accordance with this Court's Standing Order (Docket No. 3) in the above-captioned matter, Plaintiff, Christopher Lisowski, hereby requests leave to file a Reply brief in response to Defendant's Response in Opposition to Plaintiff's Motion for Reconsideration which was filed on December 7, 2020 (Docket No. 25). In support of this Motion, Plaintiff states as follows:

1. Plaintiff Lisowski filed the Complaint on October 18, 2019. (Docket No. 1).
2. On February 20, 2020, the Amended Complaint was filed which, among other items, added Plaintiff Robert Garner. (Docket No. 5).
3. On March 5, 2020, the Defendant filed its Motion to Dismiss (Docket Nos. 6, 7).
4. On March 20, 2020, Plaintiff's Response in Opposition was filed, and Defendant's Reply was filed on March 26, 2020. (Docket Nos. 8, 9).

5. On June 24, 2020, oral argument was held concerning Defendant's Motion to Dismiss. (Docket No. 14). On this same date, and prior to arguments, Plaintiffs moved to dismiss Counts II, V, and VI with prejudice. (Docket No. 14).
6. On November 17, 2020, the Court issued its Order concerning the Motion to Dismiss. (Docket Nos. 20, 21). The Court granted in part and denied in part Defendant's Motion to Dismiss.
7. On November 30, 2020, Plaintiff respectfully sought reconsideration of the Order dated November 17, 2020 (Docket Nos. 22, 23). Additionally, pursuant to the Court's Order, Plaintiff filed a Second Amended Complaint (Docket No. 24).
8. On December 7, 2020, Defendant filed its Response in Opposition to Plaintiff's Motion for Reconsideration (Docket No. 25).
9. Defendant's Response in Opposition introduces arguments that allege that Plaintiff is attempting to mislead the Court in Plaintiff's discussion concerning the guidance provided by the United States Patent and Trademark Office.
10. Further, the Defendant raises arguments concerning the materiality of the two factual errors discussed in the Motion for Reconsideration.
11. Additionally, the Defendant contends that its unpurchased products objection was adequately asserted in its Motion to Dismiss.
12. Plaintiff seeks leave to file a reply by December 14, 2020 consistent with this Court's Standing Order and for the limited purpose of addressing arguments raised in Defendant's Opposition.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order allowing Plaintiff to file a Reply brief.

Dated: December 8, 2020

Respectfully submitted,

/s/ Steffan T. Keeton
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2020, a true and correct copy of this motion was filed with the Court via the Electronic Case Filing System, and was served on all counsel of record through the same means.

/s/ Steffan T. Keeton
Steffan T. Keeton, Esq.